



Paper No. 9

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OFFICE OF PETITIONS

In re Application of
Satoshi Hasegawa
Application No. 09/981,207
Filed: October 17, 2001
Attorney Docket No. 01658/LH

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This is a decision on the renewed petition filed by facsimile transmission August 29, 2002.

The renewed petition is **Granted**.

The application was filed October 17, 2001. However, on March 8, 2002, Initial Patent Examination Division mailed a "Notice of Omitted Item(s)" stating that the application had been accorded an October 17, 2001 filing date, but that pages 3, 12 and 32 of the specification appeared to have been omitted.¹ In response, on March 15, 2002 (certificate of mail date), pages 3, 12 and 32 of the specification were filed accompanied by a petition in which petitioner argued that pages 3, 12 and 32 were filed on January 7, 2002 (certificate of mail date December 13, 2001). In support thereof, the petition, signed by a registered practitioner, included a statement by a Secretary, Sharon Portnoy, that 34 pages of the specification, including pages 3, 12 and 32 were part of the application as originally filed.

The petition filed March 15, 2002 (certificate of mail date), requesting that the above-identified application be accorded a filing date of October 17, 2001, with pages 3, 12 and 32 as a part of the original disclosure of the application was dismissed in a decision dated August 5, 2002.

The renewed petition contends that the March 15, 2002 petition also included a request for an extension of time within which to file the response to the Notice to File Missing Parts mailed November 16, 2001. The due date for the response to that Notice would

¹A Notice to File Missing Parts was mailed November 16, 2001 requiring the filing of the English Translation of the application and substitute drawings in compliance with 37 CFR 1.84. In response, on January 7, 2002 (certificate of mail date December 13, 2001), an English Translation and Formal Drawings, *inter alia*, were filed, which necessitated the March 8, 2002 mailing of the Notice of Omitted Items.

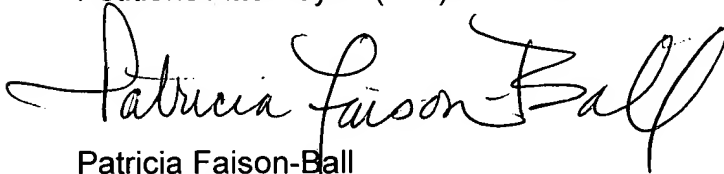
have been January 16, 2002. A properly requested extension of time would have extended the due date to March 16, 2002.

In view of the petition filed March 15, 2002 and the renewed petition filed with a request for an extension of time, pages 3, 12 and 32 of the specification filed March 15, 2002 will be accepted as responsive to the Notice to File Missing Parts. Therein, the Notice of Omitted Items mailed March 8, 2002 is **Vacated**.

As authorized, petitioner's deposit account no. 06-1378 will be charged in the amount of \$400.00 for a two month extension of time.

The application is being forwarded to Initial Patent Examination Division for further processing with a filing date of October 17, 2001, and for an indication on the bib-data sheet that the 34 page specification was timely filed and complete including pages 3, 12 and 32.

Telephone inquiries specific to this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in dark ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy